Public Affairs Division
The Tobacco Institute

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1997 STATUS REPORT
STATE TOBACCO LEGISLATION

CIGARETTE EXCISE TAXES -Legislative

Legislation to increase the cigarette tax has been introduced in 26 states; remains pending in 20:

Alabama (16.5)	18 cents
Alaska (29)	$1.00
California (37)	20 cents
Connecticut (50)	1 cent; 5 cents; 25 cents
Florida (33.9)	10 cents
Hawaii (60)	40 cents; 50 cents
Indiana (15.5)	2 cents
Maine (37)	10 cents; 25 cents
Maryland (36)	15 cents; 25 cents; 36 cents; $1.00
Michigan (75)	amount not specified
Minnesota (48)	5 cents
Mississippi (18)	75 cents
Montana (18)	10 cents; 18 cents
Nebraska (34)	10 cents
New Hampshire (25)	20 cents; 16 cents; 18 cents; 25 cents
New York(56)	1 cent; 2 cents; ~~25 cents; 50 cents~~
Pennsylvania (31)	amount not specified
Texas (41)	25 cents
Washington (82.5)	1 cent
Wisconsin (44)	*5 cents*

Cigarette tax increase has passed in two states:

ARKANSAS (31.5)	**2.5 cents**
UTAH (26.5)	**25 cents**

Cigarette tax increases have been defeated in seven states:

Indiana (15.5)	49.5 cents
Montana (18)	*10 cents*
New Mexico (21)	*40 cents; 4 cents*
South Dakota (33)	10 cents
Utah (26.5)	10 cents;
Virginia (2.5)	2.5 cents for 1997; 2.5 cents each year thereafter to year 2000
Wyoming (12)	25 cents; 4 cents

Legislation to repeal excise tax sunset contingency is pending in two states:

Idaho
Oregon

***Items in italics indicate a change in status since last report*

**Note: Maine's Governor has proposed a 37-cent cigarette tax increase. Legislation has not been introduced.

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

OTHER TOBACCO PRODUCT (OTP) TAXES - Legislative

New or increased OTP taxes have been introduced in 15 states, remain pending in eight:

Alaska	100% of wholesale price
Florida	***increase to 32.4% or wholesale price***
Hawaii	increase to 50% of wholesale price
Maryland	20% of wholesale price; 25% of wholesale price; 35% of wholesale price
Minnesota	increase by 7% of wholesale price
New York	increase to 20 1/2% of wholesale price
Texas	increase by 4.5% of wholesale price
West Virginia	40% of wholesale price

New or increase OTP taxes have passed in one state:

Arkansas	increase by 2% of wholesale price

New or increased OTP taxes have been defeated in six states:

Idaho	increase by 5% of wholesale price
Montana	***increase by 6.9% of wholesale price***
North Dakota	increase to 32% of wholesale price
South Dakota	increase to 20% of wholesale price
Virginia	tax on cigars to 1966 rate; OTP rate of 2% of retail cost
Wyoming	20% of wholesale price

OTP tax reduction legislation has been introduced in one state:

Connecticut	exempt cigars and pipe products from 20% OTP tax

Legislation to repeal tobacco taxes has been introduced in one state:

Maine	repeal taxes on pipe and cigar tobacco

LOCAL AUTHORITY TOBACCO TAXES - Legislative

Legislation extending authority for local tobacco taxes was defeated in one state:

Virginia

TOBACCO TAX EARMARKING - Legislative

Earmarking bills have been filed in 24 states; remain pending in 20:

Alabama	Children's First Trust Fund
Alaska	children's health program account

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

TOBACCO TAX EARMARKING - Legislative, cont'd

Arizona	use remaining funds of health education monies to fund construction of state buildings; restrict spending to 90% of funds from tobacco tax; AZ Student Programming Investing Resources for Education (ASPIRE); health care for elderly; establish AZ Cancer Commission; mental health services
California	general fund; City of El Monte for city facilities
Connecticut	prostate cancer education and protection
Florida	health care programs and services
Indiana	health programs for women, children and infants; property tax replacement fund
Maine	tobacco risk education program; anti-tobacco campaign
Maryland	tobacco crop conversion program; alcohol/drug abuse prevention programs; tobacco awareness advertising; poverty grants to local school boards
Minnesota	fund DARE program; baseball stadium; tobacco education
Mississippi	Medicaid Recipient's Tobacco Illness Fund
Montana	fund Medicaid and Indian health clinics
Nebraska	general fund
Nevada	chemical dependency programs
New Hampshire	anti-smoking programs w/in Dept of Education; statewide kindergarten; new school improvement incentive grant program
New York	*Child Health Account*
North Dakota	$400,000 to Dept of Human Services for dental services under medical assistance program
Texas	fund public schools
Washington	fund youth tobacco prevention account
West Virginia	general fund

Tobacco tax earmarking legislation has passed in one state:

Utah	tobacco/substance abuse prevention and control (awaits action by Governor's office)

Tobacco tax earmarking legislation has been defeated in three states:

Idaho	50% to public schools for substance abuse programs; 50% to counties for juvenile protection services
New Mexico	*Cancer Center at U. of NM Medical School*
Wyoming	*fund substance abuse education*

SMOKING BANS & RESTRICTIONS

Smoking ban/restriction bills have been introduced in 40 states; remains pending in 34:

Arizona	Montana
Arkansas	Nebraska
California	Nevada
Colorado	New Hampshire
Connecticut	New York
Florida	Ohio

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

Georgia
Oklahoma

SMOKING BANS & RESTRICTIONS, cont'd

Illinois
Indiana
Iowa
Kansas
Louisiana
Maine
Maryland
Massachusetts
Mississippi
Missouri
Oregon
Pennsylvania
Rhode Island
South Carolina
Tennessee
Texas
Vermont
Washington
West Virginia
Wisconsin

Smoking ban/restriction legislation has passed in one state:

UTAH

Smoking ban/restriction legislation has been defeated in five states:

Hawaii
New Mexico
North Dakota
South Dakota
Virginia

SMOKING RESTRICTION PREEMPTION

Legislation to repeal/modify preemption of local smoking bans/restrictions has been introduced in two states:

Iowa
Nevada

Legislation to repeal/modify preemption of local smoking bans/restrictions has been defeated in one state:

Florida

INDOOR AIR QUALITY (IAQ)

Legislation to establish or change indoor air quality programs has been filed in 13 states:

Florida
Hawaii
Illinois
Maine
Massachusetts
Minnesota
Mississippi
Missouri
Oregon
Pennsylvania
South Carolina
Vermont
Wisconsin

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

ADAMHA ENFORCEMENT

Legislation providing for or amending ADAMHA enforcement has been introduced in nine states; remains pending in six:

Arizona
Illinois
Michigan
Mississippi
Texas
West Virginia

Legislation providing for or amending ADAMHA enforcement has passed in two states:

Idaho (awaits action by Governor)
INDIANA (S106 veto override)

Legislation providing for or amending ADAMHA enforcement has been defeated in one state:

Hawaii

SELF-SERVICE DISPLAY BANS & RESTRICTIONS

Self-service display ban/restriction legislation has been introduced in 10 states and remains pending in nine:

Michigan
Minnesota
Mississippi
Nebraska
New York
Oregon
Texas
Washington
Wisconsin

Self-service display ban/restriction legislation has been defeated in one state:

Utah

SALES & VENDING RESTRICTIONS

Retail, vending sales restriction or licensing requirement legislation has been introduced in 40 states; remains pending in 35:

Alaska	Mississippi
Arizona	Montana
Arkansas	Nebraska

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

Colorado
Nevada

SALES & VENDING RESTRICTIONS, cont'd

Connecticut
Delaware
Florida
Georgia
Hawaii
Illinois
Indiana
Iowa
Louisiana
Maine
Maryland
Massachusetts
Michigan
Minnesota
New Hampshire
New York
North Carolina
North Dakota
Oklahoma
Oregon
Pennsylvania
Tennessee
Texas
Vermont
Washington
West Virginia
Wisconsin

Retail, vending sales restriction or licensing requirement legislation has passed in one state:

VIRGINIA

Retail, vending sales restriction or licensing requirement legislation has been defeated in six states:

Hawaii
Idaho
New Mexico
South Dakota
Utah
Virginia

SALES TO MINORS

Thirty-six states have introduced legislation on penalties for sales to minors and/or sign requirements; legislation remains pending in 33:

Alabama
Arizona
Arkansas
California
Connecticut
Florida
Hawaii
Illinois
Indiana
Iowa
Kansas
Louisiana
Maine
Massachusetts
Michigan
Minnesota
Montana
Nebraska
Nevada
New Hampshire
New Jersey
New York
North Carolina
North Dakota
Oklahoma
Oregon
Pennsylvania
Tennessee
Texas
Vermont
Washington
West Virginia
Wisconsin

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

Legislation on penalties for sales to minors and/or sign requirements has passed in one state:

VIRGINIA

Legislation on penalties for sales to minors and/or sign requirements has been defeated in four states:

Hawaii
South Dakota
Utah
Virginia

ADVERTISING BANS & RESTRICTIONS

Twenty states have introduced legislation to ban or restrict tobacco advertising; remains pending in 18:

California
Connecticut —
Florida
Georgia
Iowa
Illinois
Massachusetts
Michigan
Minnesota
Mississippi
Missouri
Montana
Nebraska
New Hampshire
New York —
Texas
Washington
Wisconsin

Legislation to ban or restrict tobacco advertising has been defeated in two states:

Hawaii
Maryland

SAMPLING BANS & RESTRICTIONS

Bills to ban or limit sampling or promotional distribution have been introduced in 10 states; remains pending in nine:

Florida
Georgia
Illinois
Massachusetts
New Hampshire
New York —
Oregon
Texas
Washington

Legislation to ban or limit sampling or promotional distribution has been defeated in one state:

Hawaii

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

SINGLE CIGARETTE SALES

Legislation to ban sales of single or unpackaged cigarettes is pending in eight states:

Georgia	Oregon
Illinois	Texas
Michigan	Washington
North Carolina	*West Virginia*

PREEMPT LOCAL SALES/SAMPLING/ADVERTISING BANS AND RESTRICTIONS

Legislation to preempt local sales/sampling and/or advertising bans and restrictions is pending in one state:

Maine

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions is pending in five states:

Iowa
Maine
Mississippi
Nevada
Oklahoma

INGREDIENTS DISCLOSURE

Legislation to require disclosure of ingredients has been introduced in 14 states; remains pending in 12:

Colorado	Maine
Connecticut	Massachusetts
Delaware	New Hampshire
Florida	New Jersey
Illinois	New York
Iowa	Texas

Legislation to require disclosure of ingredients has been defeated in 3 states:

Illinois
Indiana
Utah

TOBACCO MANUFACTURER LIABILITY

Tobacco manufacturer liability legislation has been introduced in 11 states:

California	Michigan
Florida	Nebraska
Hawaii	*New Jersey*
Indiana	New York

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000

Maine
Massachusetts

Rhode Island

FIRE-SAFE CIGARETTES

Legislation regarding fire-safe cigarette safety standards has been introduced in three states:

Massachusetts
New York
Oregon

DIVESTMENT/PROHIBITION ON INVESTMENT IN TOBACCO COMPANIES

Legislation requiring the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings is pending in five states:

Connecticut
Illinois
Massachusetts
Oregon
Texas

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Source: https://www.industrydocuments.ucsf.edu/docs/fsyn0000